

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

CARRIE N. THOMAS,

Plaintiff,

v.

Civil Action No. 6:23CV00034

CARLOS DEL TORO, SECRETARY, ET AL,

Defendant.

NOTICE

This case is before the Court pursuant to Defendant's Motion to Dismiss and, Motion for Summary Judgment filed 12/18/2023. The Court will give Plaintiff twenty-one (21) days from the date of this Notice to submit any further counter-affidavits or other relevant evidence contradicting, explaining or avoiding Defendant's evidence. Both sides are advised that if documents or affidavits outside the pleadings are submitted by either party, any remaining motion(s) to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure may be considered as motion(s) for summary judgment under Rule 56 of the Federal Rules of Federal Civil Procedure.

If Plaintiff does not respond to Defendant's pleadings, the Court will assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their responsive pleading(s). If Plaintiff wishes to continue with the case, it is necessary that Plaintiff respond in an appropriate fashion. Plaintiff may wish to respond with counter-affidavits or other additional evidence as outlined above. However, if Plaintiff does not file some response within the twenty-one (21) day period, the Court may dismiss the case for failure to prosecute.

Issued and mailed this 18th day of December, 2023.

LAURA A. AUSTIN, CLERK

By: s/Kristin Ayersman
Deputy Clerk

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

**NOTICE TO PARTIES OF RIGHT TO CONSENT TO
JURISDICTION OF UNITED STATES MAGISTRATE JUDGE**

CARRIE N. THOMAS

Plaintiff(s)

DATE: 12/18/2023

v.

CIVIL ACTION NO. 6:23cv00034

CARLOS DEL TORO,
SECRETARY, ET AL,

Defendant(s)

Notice. In accordance with the provisions of 28 U.S.C. § 636(c), and Federal Rule of Civil Procedure 73, you are hereby notified that a United States Magistrate Judge of this court is available to conduct all proceeding in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States Court of Appeals for the Fourth Circuit, like any other judgment of this court. A Magistrate Judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case transferred to a Magistrate Judge, or you may withhold your consent without adverse substantive consequences. The name(s) of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent. The following parties consent to have a United States Magistrate Judge conduct all proceedings in this case including any trial, the entry of final judgment, and all post-trial proceedings.

You should only sign and return this form to the Clerk's Office if you choose to consent this action to a magistrate judge's exercise of jurisdiction over this case

Signature:

Printed Name:

Date:

Counsel for:

Approved e-filers may return this form by e-mailing it to vawd_consents@vawd.uscourts.gov.
All others must mail the paper form directly to the Clerk's Office.